

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-18927- APPLICANT: METRO PIZZA NORTHWEST -
OWNER: CIMARRON-FRONTAGE, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0076-98) and Site Development Plan Review (SDR-18926) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a restaurant with service bar on 1.73 acres at the northeast corner of Sky Pointe Drive and North Cimarron Road. A companion application for a Site Development Plan Review for a 9,831 square-foot restaurant and retail building will be heard concurrently with this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/14/98	The City Council approved a General Plan Amendment (GPA-0030-98), which established the detailed land-use plan for Town Center. The Planning Commission recommended approval.
09/09/98	The City Council approved a Rezoning (Z-0036-98). The Planning Commission recommended denial.
12/07/98	The City Council approved a Rezoning (Z-0076-98) for this property and other properties in Town Center to T-C (Towncenter). The Planning Commission and staff recommended approval.
02/08/07	The Planning Commission recommended approval of companion item SDR-18926 concurrently with this application.
	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #4/jk).
<i>Pre-Application Meeting</i>	
12/14/06	At the pre-application meeting, the applicant was informed that offsite improvements are to be completed, an updated drainage study is necessary, the trash enclosure must be 50 feet from residential, build-to-line requirements must be met, handicapped parking per code is required, as is a proper loading zone, and Town Center landscaping standards. Building and Safety indicated that a full sprinkler system is necessary, as is an ADA accessible route. Traffic stated that driveways to be right in and right out only and to replace substandard improvements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.73 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	T-C (Town Center)	SX-TC (Suburban Mixed-Use)
North	Single-family Residential	T-C (Town Center)	SX-TC (Suburban Mixed-Use)
South	Retail Center	T-C (Town Center)	SX-TC (Suburban Mixed-Use)
East	US-95	T-C (Town Center)	MS-TC (Main Street Mixed-Use)
West	Single-family Residential	T-C (Town Center)	SX-TC (Suburban Mixed-Use)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* A condition has been added to require trees within the landscaping areas per Town Center Standards on the companion Site Development Plan Review.

DEVELOPMENT STANDARDS

The following development standards apply per the Town Center Development Standards:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	1.73 acres	N/A
Min. Lot Width	N/A	230 feet	N/A
Min. Setbacks			
• Front	15 Feet	20 Feet	Y
• Side	N/A	N/A	N/A
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	185 Feet	Y
Min. Distance Between Buildings	N/A	N/A	N/A
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	N/A	N/A	N/A
Trash Enclosure	50 Feet	175 Feet	Y
Mech. Equipment	Screened	Screened	Y

Per Title 19.08.060 the following residential adjacency standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	72 Feet	185 Feet	Y
Adjacent development matching setback	15 Feet	15 Feet	Y
Trash Enclosure	50 Feet	175 Feet	Y

Per Title 19.12 the following Parking Lot Landscaping Standards Apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	24 Trees	23 Trees	N*
Buffer: Min. Trees	1 Tree/30 Linear Feet & 1 Tree/ 20 Linear Feet	31 Trees	46 Trees	N**
TOTAL		55 Trees	69 Trees	Y
Min. Zone Width	Eight Feet		10 Feet	Y
Wall Height	6-foot		6-foot Existing wall	Y

* A condition has been added to require an additional landscape finger for the parking area along Sky Pointe Drive in the companion Site Development Plan Review.

** A condition has been added to require 36-inch box trees along the street frontages in the companion Site Development Plan Review.

The following streetscape standards apply within Town Center:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
1 Tree/ 30 Linear Feet	15 Trees	17 Trees	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Total Area	9,831 sq. ft						
Restaurant							
• Dining	3,943 sq. ft.	1:50	78.86				
• Other	5,102 sq. ft.	1:200	25.51				
Retail	1,200 sq. ft.	1:175	6.85				
SubTotal			107	5	110	5	
TOTAL (including handicap)			112		115		Y
Loading Spaces			1		1		Y

ANALYSIS

Pursuant to its general authority to regulate the sale of alcoholic beverages, the Las Vegas City Council declares that the public health, safety and general welfare of the Town Center are best promoted and protected by requiring that:

- a. No restaurant service bar shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or city park.
- b. Uses licensed as Restaurant with Service Bar or other comparable establishments, shall have no specific spacing requirements between similar uses. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.
- c. The distances referred to in paragraphs (a) and (b) shall be measured in a straight line from the property line of the church, synagogue, school, child care facility, or from the nearest property line of a city park to the property line of the proposed tavern to the property line of an existing tavern or comparable establishment, disregarding all intervening obstacles.
- d. All businesses that sell alcoholic beverages shall conform to the provisions of LVMC 6.50

There are no protected uses within 400 feet of this property. Two hundred and fifty feet to the west is a University of Phoenix campus (SDR-2310), which is listed in the Title 19 Use Table as a College/University or Seminary, which is a different use than the protected use of Public or Private School, Primary/Secondary.

The nearest child care facility is located more than 2,600 feet to the west, across US-95. The nearest school and park is Cadwallader Middle School located 2,200 feet to the northeast. The closest church or synagogue is 4,800 feet to the north.

FINDINGS (SUP)

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use can be conducted in a manner that is compatible with the surrounding land uses and future land uses projected by the general plan.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The proposed site for this use meets all setback, parking, and landscaping requirements and the use itself is physically suitable for the type and intensity of land use proposed.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

This site is serviced by two 80-foot rights-of-way and is located within 1,500 feet from US-95. Therefore, the street and highway facilities providing access to this use will be of adequate size to support this use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed restaurant with service bar is consistent with commercial corridors and its adjacency to residential developments to the north and east provide a needed commercial service within a short driving distance, which will not compromise the public health, safety, welfare, or the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use meets all of the requirements of Title 19.04 as well as the Town Center special use requirements.

PLANNING COMMISSION ACTION

There was one protest to the service bar at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 961 by City Clerk

APPROVALS 0

PROTESTS 1